IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4209 of 2005

Between:

S. Lakshmana Naik S/o Tirupal Naik
R/o Alibed Thanda, (V) Peapully Mandal,

Dhone (Taluk), Kurnool District

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority,

Kurnool.
2 The Motor Vehicle Inspector,

Unit Office, Transport Department,

Dhone, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order particularly in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing order releasing the vehicle (Tractor & trailor) bearing No. AP 21/T-2469 and AP 21/T-2470 seized and detained Under VCR No. 137480 dated 5-7-2002 as illegal, unjust and arbitrary and consequently direct the 1st respondent to release the vehicle.

Counsel for the Petitioner: Mr. K.MADHAVA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following :

ORDER:

This Writ Petition is filed seeking to declare the action of the 1st respondent in not passing an order, releasing the vehicle (Tractor & trailor) bearing No. AP 21/T-2469 and AP 21/T-2470, seized and detained under VCR No. 137480 dated 5-7-2002, as illegal, unjust, arbitrary and consequently to direct the 1st respondent to release the vehicle.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for transport appearing on behalf of the respondents.

3. Whether the petitioner violated the provisions of the Motor Vehicles Act has to be decided by the competent authority. In the meanwhile, it is not desirable to keep the vehicle idle, as it is likely to be rusted and damaged.

4. In the result, the Writ Petition is disposed of directing the 1st respondent to release the vehicle of the petitioner on the following conditions:

1. He shall not alienate or transfer the vehicle to any other person without the permission of the respondent;
2. He shall not change the engine or parts of the vehicle;
3. He shall produce the vehicle as and when required by the concerned authorities;
4. He shall participate in the enquiry that is going to be conducted by the 1st respondent;
5. He shall pay the tax amount, due if any, as on today.

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(K.C.BHANU,J)

4th March, 2005.

Note:

Furnish C.C. by three days.

B/o

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To

1 The Secretary, Regional Transport Authority,

Kurnool.

2 The Motor Vehicle Inspector,

Unit Office, Transport Department,

Dhone, Kurnool District.

3 Two CCs to the GP for Transport, High Court of A.P.,

Hyderabad (O.U.T.)

4 Two CD copies